

**REMARKS**

Claims 1-3, 5-11, and 26-31 are currently pending in the application. Claims 1-3, 5-9, and 11 have been amended. Claim 4 has been canceled. Claims 12-25 have been withdrawn from examination. New claims 26-31 have been added. Applicant respectfully submits that no new matter has been added. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claims 1-4, 8, 9, and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,083,406 to DePaul et al. (DePaul”).

Independent claim 1 relates to a system for purifying fluid. Applicant respectfully submits that DePaul fails to teach or suggest at least one of the distinguishing features of independent claim 1, namely, a filtration canister adapted for receiving one of a plurality of sizes of a filter element. In addition, DePaul fails to teach or suggest a head for sealing an upper portion of a container, a threaded stud for securing the head and the container and a centering spring for securing the filter element around the threaded stud.

DePaul discloses an apparatus and method for improved in-line contaminant removal from engine lubricating oil which employ gravity to achieve a desired flow rate of oil. The invention is adapted for use with an existing engine oil lubrication system and continuously processes a side stream that after processing, is returned to the engine oil. During processing, the oil is first filtered and then drained and deposited upon an upper central support portion of a heated dome wherein the oil forms a thin film from which relatively low boiling volatile impurities are rapidly separated in a gaseous state.

In contrast to claim 1, there is no teaching or suggestion by DePaul of a filtration canister adapted for receiving one of a plurality of sizes of a filter element. DePaul requires exact size filter elements to function properly and cannot receive one of a plurality of sizes of a filter element as claimed. In addition, there is no teaching or suggestion by DePaul of a head for sealing an upper portion of a container, a threaded stud for securing the head and the container and a centering spring for securing the filter element around the threaded stud. DePaul discloses a cap including an oil input orifice and an oil output orifice. DePaul further teaches a housing body having an open end that is flared and is circumferentially threaded for mating engagement

with an exteriorly circumferentially threaded cap (Col. 10, lines 10-25 and Figure 12). According to DePaul, the cap and the housing body are in threaded engagement with each other and not by means of a threaded stud for securing the head and the container as claimed. Applicant respectfully submits that independent claim 1 distinguishes over DePaul and respectfully requests that the rejection thereof be withdrawn.

Dependent claim 4 has been canceled rendering the rejection thereof moot. Dependent claims 2-3, 8-9, and 11 depend from and further limit independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to independent claim 1, dependent claims 2-3, 8-9, and 11 distinguish over DePaul and are in condition for allowance. Applicant respectfully requests that the rejection of dependent claims 2-3, 8-9, and 11 be withdrawn.

In addition, Applicant respectfully submits that the DePaul reference fails to teach or suggest at least one of the distinguishing features of dependent claim 11, namely, a metering valve located between a filtration canister and an evaporation canister for selective positioning to control fluid flow. DePaul discloses a metering jet but does not disclose that a rate of fluid flow can be varied using the metering jet as claimed. For this additional reason, Applicant respectfully submits that dependent claim 11 distinguishes over DePaul and respectfully requests that the rejection thereof be withdrawn.

Claims 5-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DePaul in view U.S. Patent No. 3,503,511 to Spitzberg ("Spitzberg"). Claims 5-6 depend from and further limit independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 5-6 distinguish over the cited combination of DePaul and Spitzberg and are in condition for allowance. Withdrawal of the rejection of dependent claims 5-6 is respectfully requested.

Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over DePaul in view of U.S. Patent No. 3,982,520 to Wheeler ("Wheeler"). Dependent claim 7 depends from and further limits independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1,

dependent claim 7 distinguishes over the cited combination of DePaul and Wheeler and is in condition for allowance. Withdrawal of the rejection of dependent claim 7 is respectfully requested.

Claims 8 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over DePaul in view of U.S. Patent No. 6,072,152 to Landry ("Landry"). Dependent claims 8 and 10 depend from and further limit independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to independent claim 1, dependent claims 8 and 10 distinguish over DePaul in view of Landry. In addition, there is no motivation for the 103 combination suggested by Examiner. Landry discloses a visual indicator to alert a user when an optimal time is to start a car. The mere fact that a prior art reference can be readily modified does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Laskowski*, 871 F.2d 115, 10 U.S.P.Q.2d 1397 (Fed. Cir. 1989) and also see *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992) and *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1993). The examiner may not merely state that the modification would have been obvious to one of ordinary skill in the art without pointing out in the prior art a suggestion of the desirability of the proposed modification. Therefore, Applicant respectfully requests that the rejection of dependent claims 8 and 10 be withdrawn.

New claims 26-30 depend from and further restrict independent claim 1. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, new claims 26-30 also distinguish over the references. New claim 31 is related to a system for purifying fluid and also distinguish over the references.

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In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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